

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRAVELERS COMPANIES, INC., as)	
Subrogee of Ocean Trading Ltd.,)	
)	
Plaintiff,)	Case No. 08 CV 2952
)	
v.)	Judge Moran
)	
EVERGREEN SHIPPING AGENCY)	Magistrate Judge Keys
(AMERICA) CORPORATION and)	
ACE WORLD WIDE AIR FREIGHT)	
CO. INC.,)	
)	
Defendants.)	

**MOTION TO VACATE ORDERS DISMISSING COUNT I
OF PLAINTIFF'S COMPLAINT AGAINST ACE WORLD WIDE**

NOW COMES the plaintiff, TRAVELERS COMPANIES, INC., as Subrogee of Ocean Trading Ltd. ("Travelers"), as by its attorneys, Michael A. Snyder and Timothy S. McGovern, and moves this Court to vacate the Orders entered dismissing Count I of plaintiff's complaint against Ace World Wide, which appear to have been entered in error. In support of this motion, plaintiff states the following:

1. Plaintiff filed its Complaint against Ace World Wide, among others, on May 21, 2008 (See Docket No. 1).
2. On August 7, 2008, Ace World Wide filed its motion to dismiss Count I of the Complaint (See Docket No. 18). Also on August 7, 2008, Evergreen Shipping Agency, a separate defendant, filed a motion to dismiss (See Docket No. 20).
3. On August 12, 2008, the parties appeared before the Court with respect to the motions to dismiss. The Court entered a briefing schedule on both motions to dismiss, giving

plaintiff 28 days to respond, and defendants 21 days to file a reply for both motions to dismiss.
See Docket Nos. 22 and 23.

4. On August 12, 2008, this Court mistakenly entered Orders dismissing Count I of plaintiff's complaint against Ace World Wide. *See Docket Nos. 24 and 25.*

WHEREFORE, plaintiff, Travelers, moves this Court to vacate the Orders dismissing Count I of plaintiff's complaint against Ace World Wide, and to reinstate the briefing schedule on Ace World Wide's motion to dismiss previously entered by the Court.

Respectfully submitted,

TRAVELERS COMPANIES, INC.,
as Subrogee of Ocean Trading Ltd..
plaintiff,

s/ Timothy S. McGovern

Its attorney

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CERTIFICATE OF SERVICE

I, Timothy S. McGovern, attorney, certify that I served a true copy of the foregoing **MOTION TO VACATE ORDERS DISMISSING COUNT I OF PLAINTIFF'S COMPLAINT AGAINST ACE WORLD WIDE** on this 14th day of August, 2008, on all parties that have appeared, via U.S. Mail.

s/ Timothy S. McGovern